

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MARCIARRIA WHITE &
SHAQUITHEA HARRIS,

Plaintiffs,

v.

CHARLTON COLLAR, ORANGE
PEEL TRANSPORTATION, INC.,
XYZ CORPORATION (#1-20) &
JOHN DOE (#1-5)

Defendants.

CIVIL ACTION FILE
NO. CV421-115

NOTICE OF REMOVAL

COME NOW, CHARLTON COLLAR (“Collar” herein) and ORANGE PEEL TRANSPORTATION, INC. (“Orange Peel” herein) (collectively “Defendants” herein), named Defendants in the above-styled action, and petition this Court for removal of the action herein from the State Court of Chatham County to the United States District Court for the Southern District of Georgia, Savannah Division, and respectfully show the Court as follows:

1.

Plaintiffs filed a civil action in the State Court of Chatham County, which is styled as follows: *Marciarrria White & Shaquithea Harris v. Charlton Collar, Orange Peel Transportation, Inc., XYZ Corporation (#1-20) & John Doe (#1-5)*, Civil Action File No. STCV21-00505. (True and correct copies of all process, pleadings and orders received by counsel for Defendants in such action are attached hereto and incorporated herein as Exhibit “A”). Defendants are filing an Answer to Plaintiffs’ Complaint for Damages (“Complaint”)

contemporaneously herewith, within the time permitted by Federal Rule of Civil Procedure 81(c).

2.

Plaintiffs filed the Complaint with the State Court of Chatham County on March 12, 2021. (*See* Complaint).

3.

According to the Affidavits of Service filed with the State Court of Chatham County on March 28, 2021, Defendants Collar and Orange Peel were served on March 18, 2021. Thus, because Defendants' Answers are not due until April 17, 2021, Defendants' request for Removal is timely.

4.

The incident that forms the basis of Plaintiffs' Complaint occurred in Pooler, Chatham County, Georgia.

5.

Plaintiff Marciarria White and Plaintiff Shaquithea Harris are both citizens of the State of Georgia. (*See* Complaint, ¶ 1).

6.

Defendant Collar is a citizen of the State of North Carolina and currently resides at 1519 Kentucky Avenue, Sanford, North Carolina 27332. (*See* Complaint, ¶ 2).

7.

Defendant Orange Peel is a foreign profit corporation organized and existing under the laws of the State of Virginia. (True and correct copies of the Articles of Organization filed by Defendant Orange Peel with the Commonwealth of Virginia State Corporation Commission is

attached hereto and made a part hereof as Exhibit “B”). Defendant Orange Peel is registered to do business in the State of Georgia. (A true and correct copy of the 2020/2021 Annual Registration with the Georgia Secretary of State’s office is attached hereto and made a part hereof as Exhibit “C”). According to the 2020/2021 Annual Registration, Defendant Orange Peel’s principal office address is located at 2568 Precision Drive, Virginia Beach, Virginia 23454 and Defendant Orange Peel may be served with process in the State of Georgia through its registered agent, Burton Burroughs, at 1225 Bob Harmon Road, Suite 201, Savannah, Chatham County, Georgia 31408. (*See Exhibit “C”*).

8.

According to Defendant Orange Peel’s 2020 Annual Report on file with the Commonwealth of Virginia State Corporation Commission, Burton Burroughs is the sole officer of Defendant Orange Peel. (A true and correct copy of the 2020 Annual Report on file with the Commonwealth of Virginia State Corporation Commission is attached hereto and made a part hereof as Exhibit “D”). Burton Burroughs is a citizen of the State of Virginia and currently resides at 846 Devereaux Drive, Virginia Beach, Virginia 23452. (*See Exhibit “D”*).

9.

Plaintiffs’ Complaint alleges that Defendant Collar caused the 2016 Ford Transit he was operating to “collide” with the 2019 Chrysler Pacifica which Defendant White was operating and in which Defendant Harris was riding as a passenger on August 14, 2020, and that said collision caused Plaintiffs to suffer “multiple injuries”. (*See Complaint, ¶¶ 8-10*).

10.

Plaintiff White alleges that she sustained “significant injuries, medical expenses, and damages” which include “emotional distress, personal inconvenience, mental and physical pain

and suffering, loss of enjoyment of life...plus the inability to lead a normal life" and has incurred "in excess of \$55,752.90 in past medical expenses" as a result of the collision. (*See* Complaint, ¶¶ 13, 19).

11.

Plaintiff Harris alleges that she sustained "significant injuries, medical expenses, and damages" which include "emotional distress, personal inconvenience, mental and physical pain and suffering, loss of enjoyment of life...plus the inability to lead a normal life" and has incurred "in excess of \$44,099.30 in past medical expenses" as a result of the collision. (*See* Complaint, ¶¶ 14, 20).

12.

Plaintiffs seeks to recover compensatory damages, special damages, and attorney's fees and litigation expenses from Defendants in an amount to be proven at trial. (*See* Complaint, Plaintiff's Prayer for Relief located immediately after ¶ 20).

13.

Based on the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332(a) and 1441 because (i) complete diversity exists between the named parties to this action, and (ii) the amount in controversy, according to Plaintiffs' Complaint and the pre-suit demands submitted by Plaintiffs, exceeds \$75,000.00.

14.

By service of a copy of this Notice of Removal, as evidenced by the Certificate of Service attached hereto, Defendants hereby give notice of such removal to Plaintiffs as required by 28 U.S.C. § 1446.

15.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Chatham County, Georgia as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants pray that the above-captioned lawsuit be removed to the United States District Court for the Southern District of Georgia, Savannah Division, that this Court take cognizance and jurisdiction over this claim from the State Court of Chatham County, Georgia, and that this action proceed as removed and under this Court's jurisdiction pursuant to 28 U.S.C. § 1332.

The undersigned have read this Notice of Removal and, to the best of their knowledge, information, and belief, formed after reasonable inquiry, have determined it is well-grounded in fact, is warranted by existing law, and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Respectfully submitted this 15th day of April, 2021.

DREW, ECKL & FARNHAM, LLP

/s/ William J. Martin
Hall F. McKinley, III
Georgia Bar No. 495512
Lara Ortega Clark
Georgia Bar No. 281245
William J. Martin
Georgia Bar No. 387464
*Attorneys for Defendants Charlton Collar
and Orange Peel Transportation, Inc.*

303 Peachtree Street, NE, Suite 3500
Atlanta, GA 30308
(404) 885-1400
Email: McKinleyH@deflaw.com
ClarkL@deflaw.com
MartinW@deflaw.com

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MARCIARRIA WHITE &
SHAQUITHEA HARRIS,

Plaintiffs,

v.

CHARLTON COLLAR, ORANGE
PEEL TRANSPORTATION, INC.,
XYZ CORPORATION (#1-20) &
JOHN DOE (#1-5)

Defendants.

CIVIL ACTION FILE
NO. _____

CERTIFICATE OF SERVICE

This is to certify that the undersigned has served a true and correct copy of the foregoing NOTICE OF REMOVAL upon opposing counsel electronically through Clerk of Court, using the CM/ECF system and served a copy of the foregoing upon Plaintiff via U.S. Mail, adequate postage prepaid, addressed as follows:

Gary M. Tiller
Morgan & Morgan
25 Bull Street, Suite 400
Savannah, Georgia 31401
rgtiller@forthepeople.com

This 15th day of April, 2021.

DREW ECKL & FARNHAM, LLP
/s/ William J. Martin
William J. Martin
Georgia Bar No. 387464

*Attorneys for Defendants Charlton Collar
and Orange Peel Transportation, Inc.*

303 Peachtree Street, N.E., Suite 3500
Atlanta, Georgia 30308
(404) 885-1400